

**IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF DELAWARE**

*Original*

DENNIS SMITH  
PLAINTIFF

V.

EX - POLICE CHIEF GUY D. BAYNARD,  
INDIVIDUALLY AS AGENT OF  
FRANKFORD TOWNSHIP

AND

FRANKFORD POLICE DEPARTMENT

AND

JESSE TRUITT, INDIVIDUALLY AND AS  
COUNCILMAN AND POLICE  
COMMISSIONER, AND AGENT FOR  
FRANKFORD TOWNSHIP

AND

ALBERT OLIVER, INDIVIDUALLY AND  
AS COUNCILMAN, AND AGENT FOR  
FRANKFORD TOWNSHIP

AND

STEVEN C. BROUGHT, INDIVIDUALLY AND  
AS FORMER COUNCILMAN PRESIDENT,  
AND AS AGENT FOR FRANKFORD  
TOWNSHIP

AND

KENNETH LYNCH, INDIVIDUALLY  
AND COUNCILMAN AND AS AGENT FOR  
FRANKFORD TOWNSHIP

AND

THOMAS W. ESENDER, INDIVIDUALLY  
AND AS FORMER COUNCILMAN  
PRESIDENT, AND AS AGENT FOR  
FRANKFORD TOWNSHIP

AND

THEODORE ELSE, INDIVIDUALLY AND  
AS COUNCILMAN, AND AS AGENT FOR  
FRANKFORD TOWNSHIP

Case No. **98 - 00639 JJF**

**"Multiple"  
"Federal Question(s)"**

**28 U.S.C.A. § 1331.**

2007 MAY -4 PM 1:54  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

DEFENDANTS

)  
)

**"Notice of Motion"**

To; The "Clerk" of the "Court"  
To; The Unequivocal culpable / liable Scottsdale Insurance Co.  
To; Robert Daisey {Current Incumbent / Viable}  
President / Mayor of Town of Frankford, Del.  
To; The Honorable; U.S. 03<sup>rd</sup> Judicial Circuit of Appeal(s)  
Chief Justice Anthony J. Scirica  
& Circuit Justice Hon. David H. Souter of  
The Ultimate Elite , "09 in Our Nation'(s)  
Capital ;

**"Motion"  
For  
"Summary Judgment"**

Synonymous & Pursuant, Heretofore - Hereunder; Rule 56. Of the  
Honorable Federal Rule(s) of Civil Procedure(s). In this far - far over - due still  
viable / still - pending ; Civil Action No. **98- 00639JJF**

Before the "Illustrious - "Eminent," "Apex", Unprecedented Hon. Joseph J.  
Farnan of Suite No. 4124 of this High / Federally Owned & Operated Court of  
Law; This Substantive, {Main} "Motion "S H A L L be at all  
"D e l i b e r a t e - " S P E E D, BE OFFICIALLY - Legally,

**"G R A N T E D", IN THE LAWFUL " I N T E R E S T O F;**

**" E Q U A L, - " J U S T I C E, UNDER - LAW;**

**DUE, TO IN TH E V E R Y - LEAST;**

**{01}**. There are "No" remaining **Genuine - issue(s)**, in this case,. Nor any **relevant / pertinent "Material - fact(s), nor inference(s), to be drawn, from undisputed - fact(s),**. Thus as we all know, only viable violation(s) of **Civil Right'(s) , Question(s) of law remain;** As, a "Matter, Of "Law; "Please, "See also; Vehemently - viably solely`. See; **42 U.S.C.A. § 1983. Color of Law Violation(s)** of; A "Multiple -UNCONSTITUTIONAL - NATURE, { NOT } With -standing, other "Pendente lite, wrongful - **"Invidious - "Discrimination { "BASED" } - "Federal - "Question / "Rational basis test.**, "Fully, "Cognizable, "FEDERALIZED- On the initial, "Viable - 'Active - "Docket / "Record; such as, Pendente lite;

**{ A }. 28 U.S.C.A. § 1343 . ....**

**{ B }. 42 U.S.C.A. § 1985. . ....** In which, this Honorable "Court, { via }, "Constitutional - "Inalienable - "VIRTUE, should' ve Legally construed, as **42 U.S.C.A. § 1985(3)**. "Also, in which - which, thus is **{ "LEGAL - SAME" },**. Under, the "Law,. ....

**{ C }. 42 U.S.C.A. § 1981. - "INTENTIONAL - "Proscribed / "Prohibited - Wrongful "Invidious - "Discrimination,. ....**

**{02}**. As I have known of year(s), past this still is a unequivocal, **"Prima facie" case,**. In my favor,. **A indubitable fact**, under - law,. Town of Frankford's Heretofore tort - feisor Policeman; **Guy D. Baynard** His unlawful action(s), were only purported to be pretense, of official right, to do the illegal malfeasance wrongful act(s), when in fact he knew that he had, **"NO"** such "Legal - Right,."

See; **Kiker v. Pinson**, 120 Ga. App. 784, 172 S.E. 2d 333, 334. Former Town of Frankford, Del.,. Policeman; **Guy D. Baynard** did illicitly proclaim; to apparently **rule, the world** per se

On my "**Personal - Property**" Per se Then; viable officer;  
**Guy D. Baynard** directly - and solely - intentionally ; claimed lawful authority to commit his tortuous very unrealistic malfeasance Depraved – mind – like racist act(s),. When in fact his inferior then, Heretofore office did "Not" legally confer him, {any} such lawful Authority,. See; **Maryland Cas. Co., v. McCormack, Ky., 488 S.W.2d 349, 352.**

This viable far – far overdue "Substantive" "Manifest" - viable / Active "Motion" for **Summary "Judgment,"** should be legally allowed, as soon as possible,. At the Amicable Honorable Convience, of the court,. Please take Lawful / factual Legal Notice; This case has been Pendente lite, since ; "1998,," **Now, would that be the case if I were white ?**  
Conclusion ;

Please Note; It is such a, "**Sad – Sad**" **situation**,. That this case has not been Adjudicated,. Racial Injustice ? However, I have unequivocally been illegally wrongfully "Procrastinated;" EQUAL IMPARTIAL CONSTITUTIONAL JUSTICE under Rational basis test,. Fully cognizable law(s); In which are pending,. As a Matter of Law; In which is {thus} patently Unconstitutional / Violative and of; "Express Constitutional Prohibition(s);

**I, must** give honor to this court,. However, I truly need immediate "Equal - Justice" under the U.S. Constitution(s) 14<sup>th</sup> Amendment,. In which I was "Denied", (via) tort – feason { **Guy D. Baynard** } Ex - Police Chief of the Notorious Township in viable Question; who is "**NO**" longer a *Police Officer in the State of Delaware*,. See attached **Exhibit B's page # 7**, which states "... **a letter** be written by Director Stanley Friedman to the Police Chief's Council to have **Guy Baynard** decertified so that he cannot be a police officer in this State again." " Prima facie," unequivocal – indubitable factual – fact, as a matter of court – Record,.

Please Take Legal Notice; that this Civil case No. 98 – 000639 JJF, has a **remainder** of two false arrests. The following factual Relevant / Pertinent Prima facie / Preponderance of the Evidence / Evidence based Exhibit(s); are the **second** false arrest dated November 15, 1996 concerning November 9, 1996, **see attached Exhibit A and it's pages 1, 2, 3, 4, 5 and 6** and the **third** false arrest dated December 14, 1996, **see attached Exhibit B and it's pages 1, 2, 3, 4, 5, 6, 7 and 8**, both of these false arrests were Nolle Prosequi by the State of Delaware. Concerning my " E20 " video tape, the Town of Frankford's Attorney **Bruce C. Herron** had a copy for years, this E20 video tape will show the details of these two false arrests, just mentioned, and **Ex – police Guy D. Baynard's Hate - Crime / like PATTERN**, causing the State of

Delaware to repeatedly, Nolle Prosequi every false arrest against me, this is an Constitutional Shame.

Also, the State of Delaware's "Memorandum" dated February 4, 1998, re: No. AG# 97 – 01 – 0019, which is located on attached Exhibit B's pages 3, 4, 5, 6, and 7. On Exhibit B's page 6, last paragraph, the State of Delaware investigator stated, "After reviewing Baynard's **personnel files** and **talking to the Chief's** from the above **three** departments, it is the opinion of this investigator that **Guy Baynard** is **not qualified** to be a police officer in this State." This "Memorandum" is concerning the **third** false arrest dated December 14, 1996. Concerning the State's "Memorandum", the Town of Frankford's Attorney **Bruce C. Herron** had a copy for years. This "Memorandum" of Law; will show the details of this third false arrest investigation, just mentioned, and **Ex – police Guy D. Baynard's Hate - Crime / like – clandestine** but **TRANSPARENT PATTERN**, causing the State of Delaware to repeatedly Nolle Prosequi every false arrest against me, this is an Constitutional Shame and a shame to the other police departments in our Free "Nation" that **Ex – police Guy D. Baynard** worked for. "Abuse of Authority, is vehemently unconstitutional, see; **42 U.S.C.A. § 1983 § 1985(3)**.

**HATE - CRIME / LIKE PATTERN**, this mentioned – above relevant "E20" video tape will confirm, Hate Crime / like PATTERN by **also**



showing a **first** false arrest done by Ex – police Guy D. Baynard dated May 25, 1996. Also, see attached **Exhibit C** and it's **pages 1, 2, 3, 4 and 5**, this page No. 5 is also a **Nolle Prosequi** from the State.

Keeping in mind the "***malicious use of Process***", Being Solely, intentionally bestowed wrongfully, against my person only, due to the "Color of my skin,. That which – which, is beyond my Power,. And ascertained by me from my "Birth – Right" (via) of an act of God. This vexatious – wrongful Pattern of Racial – Injustice is synonymous same of; **Prosecutorial Animus**,. Keeping in mind that prohibited / proscribed vindictive – prosecution, could have also been viably Pendente lite on the Record as a matter of Law,. The "E20" video tape and the State of Delaware's "Memorandum" dated February 4, 1998, re: No. AG# 97 – 01 – 0019, both will show and/or confirm additional Hate - Crime / like PATTERNS from Ex – police Guy D. Baynard and/or anyone else that may be illegally involved. If a conspiracy is founded, under **18 U.S.C.A. § 241** "**Conspiracy against rights**", therefore the Federal Government has the right to prosecute, see attached **Exhibit D**.

Cover – up / Conspiracy - **42 U.S.C.A. § 1985(3)** in a letter from the Town of Frankford's Council members dated February 26, 1997, Certified Mail P 461 261 302. These Council members clearly stated, in No. 4, of this letter, "The residents and/or visitors "ARE" allowed to "PARK" on remaining portion of Shockley Drive/Right of Way. This is the

**unpaved grass portion** of Shockley Drive/Right of Way.” The Town of Frankford’s Council members with this letter cover – up for Ex – police Guy D. Baynard’s **second** false arrest dated November 15, 1996 concerning November 9, 1996, **as** mentioned above in this document. The Town of Frankford Ordinance No. 14, has “Off – Street Parking”, which means, no parking allowed on the **paved portion** or anywhere within fifty (50) feet Right of way of Shockley Drive, see attached **Exhibit E**, with ordinance page numbers **31, 33 and 10**.

Closing thought(s) of final {closure}, to this ungodly almost unrealistic case,. I need to be able to feel whole again; Futile - feeling(s) still remain; It is also a fact, that former **Ex - Police Chief Guy D. Baynard** did wrongfully utilize, Malice, and or Reckless - indifference, against my person,. I also must yet again address the Court, of the Imperative - Seriousness of the tort(s), of the **former Ex – Police Chief Mr. Guy D. Baynard**,. Who is not “God,.”

In Retrospect, the illicit wrongful Malfeasance “Depraved” mind – like tortuous on the record {wrong(s)} of **Mr. Guy D. Baynard** could never ever be common – place / prevalent in this nation,. Of unequivocal “Democracy” as we are one nation under God indivisible with full constitutional Inalienable “EQUAL” Protection(s),. Being given to us U.S. citizen \s) as legally / lawfully Ascertained **at** “Birth,.”

In a Nut Shell; The truly unheard of Despotism – like - Malfeasance



Maliferous, tortuous wrongful constitutional multiple "Civil Right'(s) - Violation(s) that have been to date; "Illegally - Unlawfully" Unconstitutionally Arbitrarily & Capriciously DENIED,. Has , truly ruined the Inalienable image; / Stature of the Honorable U.S. Const. Art. III Court System,.

And in fact if I do not receive adequate Lucrative meaningful just Pecuniary Compensation by; July 22<sup>nd</sup> 2007,. Immediate Federalized Adverse injunction(s) will be filed Here – Under; **28 U.S.C.A. § 1343**. Legally - Lawfully Combined Here – under / Here - with; **42 U.S.C.A. § 1985(3)**.

To; if necessary "Shut - down;" The Frankford, Del. Township - Town Council,. And also the superficial drawing up; of a to be future Police Department of town of Frankford would be (via) United States 03<sup>rd</sup> Judicial Circuit of Appeal(s) filed for Emergency Motion(s) any future

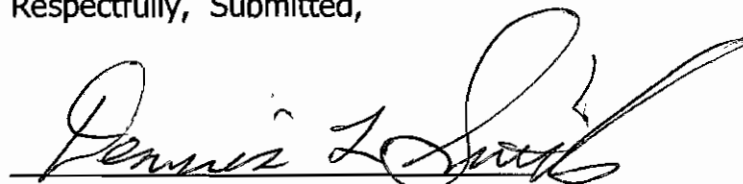
inferior "**Political Sub – division**" based; Police Department'(s) would I promise you, be put on "hold,." Legally,. Also, I do enjoy the Inalienable - liberty to finally allow this ungodly case to be turned over to a Large Civil - Right'(s) Organization such as :

{01}. N.A.A.C.P. of New York and or Atlanta, Ga.

{02}. Southern Poverty Law Center C/O Mr. Morris Dees esq.,  
As a "TEST - CASE".

*Note: Attorney Herron has a copy of my E20 video tape, therefore I will  
send a copy to the court and Scottsdale Insurance Co.*

Respectfully, Submitted,

A handwritten signature in cursive script, appearing to read "Dennis L. Smith", written over a horizontal line.

Mr. Dennis L. Smith "Pro se"  
P.O. Box 311  
Selbyville, Delaware 19975 - 0311

Date MAY 4, 2007

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
DELAWARE**

DENNIS L. SMITH

Plaintiff,

vs.

EX - POLICE CHIEF GUY D.  
BAYNARD, INDIVIDUALLY AND AS  
AGENT OF FRANKFORD TOWNSHIP,  
et al.,

Defendants

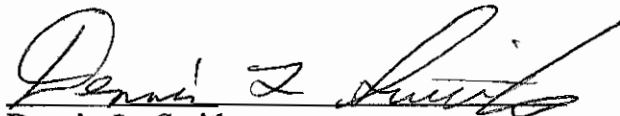
C.A. No. 98 - 00639 JJF

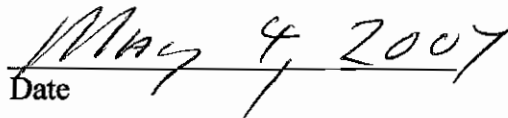
**AFFIDAVIT OF DENNIS L. SMITH**

STATES OF DELAWARE :  
: SS.  
NEW CASTLE COUNTY :

The, preceding - indelible truthful - statement(s) in the "**Motion for Summary Judgment**" are true to the best of my knowledge and belief(s); of, Dennis L. Smith and are in full vehement compliance / Compliance(s) Here-with / Here -under;

**28 U.S.C.A. § 1746, and 18 U.S.C.A. § 1621.**

  
Dennis L. Smith

  
Date

### CERTIFICATE OF SERVICE

I hereby certify that two true copies of the "Motion for Summary Judgment" have been certified mailed or hand delivered on or about this 4 day of May ~~5~~ 2007, to defendants' counsel and the following addresses:

Judge Joseph J. Farnan, Jr.  
Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, DE 19801 -3570  
**Hand Delivered**

The Honorable Robert Daisey, Mayor  
of the Town of Frankford  
P.O. Box 550  
#5 Main Street  
Frankford, Delaware 19945  
**Certified Mail**  
**7002 0460 0001 5101 7815**

The Elite / Apex Professional Legal  
Service(s) of; Akin & Herron P.A.  
Attn; "Senior – Partner;" Mr. Roger A. Akin esq.,  
Law Office  
C/O Mr. Bruce C. Herron esq.,  
1220 North Market Street # 300  
P.O. Box 25047  
Wilmington, Del., 19899 - 5047  
**Hand Delivered**

The Prestigious / Illustrious Incumbent  
Chairman; Mr. R. Wax Williamson  
C/O Ms. Dianna L. Mondeau  
Scottsdale Insurance Company  
P.O. Box 4120  
Scottsdale, AZ 85261 - 4120  
**Certified Mail**  
**7002 0460 0001 5101 7822**

Cj Hon, Anthony J. Scirica  
**Marcia M. Waldron**  
21400 "United States"  
"Court – House"  
Appeals for the Third Circuit  
601 Market Street  
INDEPENDENCE MALL WEST  
Philadelphia, Pa. 19106 – 1790  
**Certified Mail**  
**7002 0460 0001 5101 7839**

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.

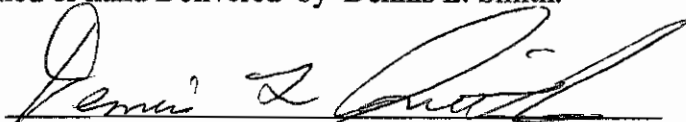
  
Dennis L. Smith

Exhibit A

Page-1

Adult  
Complaint and Warrant  
In the JUSTICE OF THE PEACE COURT 03  
In and for the county of SUSSEX, State of Delaware  
State of Delaware vs DENNIS L SMITH

I, GUY D BAYNARD (09091), of FRANKFORD PD do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the law of the State of Delaware by committing criminal acts in Sussex county on or about the date(s) and at or about the location(s) as indicated in Exhibit A hereto attached and made a part hereof.

WHEREFORE, your affiant prays that the above named accused may be forthwith approached and held to answer to this complaint consisting of 1 charge, and to be further dealt with as the law directs.

Capt. G. D. Baynard  
Affiant

SWORN TO and subscribed before me this 09 day of November A.D., 1996

Wm. P. Word  
Judge/Master/Commissioner/Court Official

=====

(To be completed by Judge/Master/Commissioner/Court Official)  
Jurisdiction resides in Family Court because: (Check and complete as required)

A. \_\_\_\_\_ The crime was committed by a child  
B. \_\_\_\_\_ A misdemeanor was committed against a child  
C. \_\_\_\_\_ A misdemeanor was committed by one family member against another family member  
D. \_\_\_\_\_ Other. Explain \_\_\_\_\_

=====

WARRANT

TO ANY CONSTABLE or other authorized person:

WHEREAS, the foregoing complaint consisting of 1 charge, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to before me, and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take DENNIS L SMITH accused, and bring same before JUSTICE OF THE PEACE COURT 03, FORTHWITH, to answer said charge.

GIVEN UNDER MY HAND, this 09 day of November A.D., 1996

Wm. P. Word  
Judge/Master/Commissioner/Court Official

Varrant executed by Capt. Baynard (Name/Agency) on  
15 day of Nov, 1996  
Police Complaint No 8696000460 WR:8696000045:WR

SS 2 WD 6 NOV 96.

A80

Exhibit A  
Page 2

Exhibit A  
State of Delaware vs DENNIS L SMITH

Court Case: 9611003836

Complaint Number: 8696000460 Arrest Number: 11396 Charge Sequence: 001  
Charge: FALSELY REPORTING AN INCIDENT

- REPORT TO LAW OFFICER AGENCY INCIDENT NOT OCCUR

In Violation of: 11-DE-1245-003A-M-

Location of Violation: SHOCKLEY DRIVE FRANKFORD DELAWARE

TO WIT: DENNIS L SMITH, on or about the 9th day of November, 1996, in the County of Sussex, State of Delaware, knowing the information reported was baseless, did report to a agency the alleged occurrence of an offense which did not in fact occur, to wit: on the 9th of november 1996 at 1205pm, suscom sent the frankford police to shockley drive to meet with a dennis smith regarding parking violations on the street. upon arrival, the frankford police department observed two vehicles on the shoulder of the road. the first was a maroon pick-up, which was parked on the right side of the road, off onto the grass shoulder faced with the flow of traffic (no violation) the second vehicle was a blue car parked on the left side of the road on the grass shoulder faced with the flow of traffic (no violation) the frankford police department then contacted mr. smit the complaint he made to suscom, troop 4 and troop 7. mr. smith was will and or refused to cooperate with the frankford police departmen regarding the complaint that he had made. .

Do not have  
"GRASS shoulder"

(SUSCOM)

I made it clear on the first  
phone call to the police not  
to send the Frankford police

A81



Exhibit B  
Affidavit of Probable Cause

State of Delaware vs. DENNIS L SMITH  
 Also known as: \_\_\_\_\_  
 Date of birth: 01/19/1959 Sex: M  
 Eyes: BRO Hair: BLK Height: 506  
 Accused's home add: SHOCKLEY DR  
 :  
 : FRANKFORD, DE 19945

Police Complaint Number: 8696000460  
 SBI Number: 00190619  
 Race: B Accused's age: 37  
 Weight: 155  
 SOCIAL SECURITY NUMBER 221522439  
 Driver's License DE - 0829030

Accused's Home Ph : 3027323011

Accused's employer: SELF EMPLOYED

Accused's Emp Pho: 0

Accused's Work Hr:

Name, Home and Work Addresses, and  
 Telephone Numbers of Next of Kin  
 or Parent/Guardian

Phone: 0

Work :

Relation: Vict to accused: VICTIMLESS CR

Victim's Age :

Victim's D.O.B. :

Date(s) and time(s) of offense: 11/09/1996 12:05 thru 11/09/1996 13:15

Location where offense occurred: SHOCKLEY DRIVE FRANKFORD DELAWARE

Your affiant GUY D BAYNARD can truly state that: 1. your affiant is a sworn member of the frankford police department. 2. your affiant was sent to shockley drive by suscom, regarding a parking violation that was reported by dennis l. smith. 3. your affiant upon arrival observed a marron pick-up parked on the grass shoulder facing with the flow of traffic on the right hand side of shockley drive. (no violation) your affiant also observed a blue car parked on the grass shoulder facing the flow of traffic on the left side of shockley drive (no violation) both vehicles were parked properly. 4. your affiant then contacted mr. smith regarding his complaint, mr. smith would not and or refused to cooperate with the frankford police department regarding the complaint that he had made to suscom. your affiant then left the area seeing that the victim refused to supply any information. 5. your affiant was again contacted by suscom, advising that mr. smith had again called them complaining that he did not get proper service and demanded that they send a state police officer. after that mr. smith called both troop 4 in georgetown and troop 7 in lewes demanding that the a state police officer be sent to shockley drive. 6. your affiant contacted both troop 4 and troop 7 along with suscom and advised them that mr. smith would not cooperate with the investigation. 7. your affiant has been sent to mr. smith's home in the past with the same results, being that mr. smith will not cooperate with the frankford police department in the following manner, mr. smith viedo tapes and records the entire action, mr. smith will make an attempt to get under your skin by calling you a white mark furman racist and demanding that you get off of his property even though mr. smith.

Guy D Baynard  
 (Affiant)

Wm. P. Wood  
 (Judge-Master-Commissioner-Court Official)  
 Sworn to and subscribed before me  
 this 09 of November, 1996

Exhibit B

Exhibit A  
Page 4

Statement of Probable Cause (Continued)

State of Delaware vs DENNIS L SMITH

is the one who placed the complaint in the first place, and will not provide any information as to the nature of his complaints. 8. your affiant for these reasons feel that mr. smith should be charged with reporting a false complaint.  
=====

Affiant:

GUY D BAYNARD FRANKFORD PD Phone 0 Work 0

Victims:

  
Affiant

Sworn and subscribed before me this 09 day of November A.D., 1996

  
Judge/Master/Commissioner/Court Official

A83

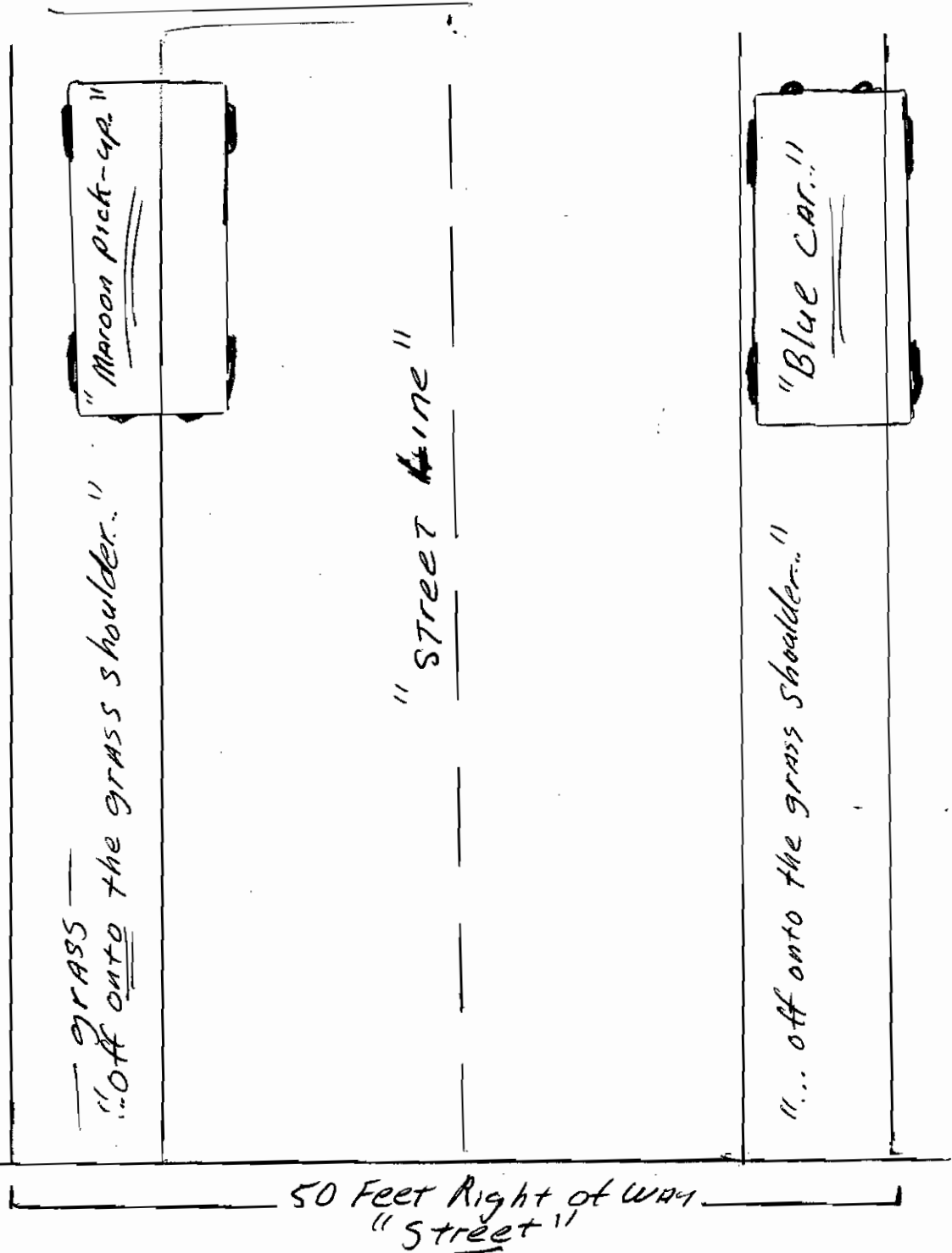
Proof

~~See~~ - November 9, 1996 - Video TAPE for FACTS below:

Exhibit A  
Page 5

FACTS below are not Alleged. Therefore,  
No Probable Cause

4150  
 Concerning A December 14, 1996 False Arrest, the  
 the States' Investigator stated, "... Guy Bagnard  
 is not qualified to be a Police Officer  
 in this State."



Note: Ordinance No. 14 - No Shoulders

~~The~~ November 9, 1996 - Video TAPE  
 will confirm these Above FACTS.

Exhibit A  
PAGE 6

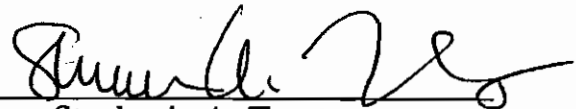
IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

THE STATE OF DELAWARE	:	CRIMINAL ACTION NOS.
	:	96-11-0790
vs.	:	
DENNIS L. SMITH	:	NOTICE OF NOLLE PROSEQUI
	:	
DOA - 11/15/96	:	

A notice of nolle prosequi is hereby entered on the charge(s) of FALSELY  
REPORTING AN INCIDENT against the above-named defendant and the Prothonotary  
is requested to note the same on record.

REASON: 10



Stephanie A. Tsantes  
Deputy Attorney General

cc: Dennis Smith ✓  
Captain Baynard

DATED: December 11, 1996

157 056



# STATE OF DELAWARE

## UNIFORM TRAFFIC COMPLAINT AND SUMMONS/VOLUNTARY ASSESSMENT

FF A 01671

 COUNTY SUSSEX CITY OR TOWN OF FRANKFORD

SUMMONS

 IN THE COURT 3 COURT OF DELAWARE

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH, DEPOSES AND SAYS:

ON: MONTH <u>12</u>	DAY <u>14</u>	YEAR <u>96</u>	DAY OF WEEK <u>SAT</u>	HR. OF DAY <u>2312</u>	DATE OF ARREST <u>SAT</u>
NAME LAST <u>SMITH</u> FIRST <u>DEAN</u> MIDDLE INITIAL <u>L</u>		STREET <u>RD 3 BOX 96</u>			
CITY <u>FRANKFORD</u>		STATE <u>DE</u>	ZIP <u>19403</u>	H&Z MAT <input type="checkbox"/>	COMM. VEH. <input type="checkbox"/>
RACE <u>B</u>	SEX <u>M</u>	DATE OF BIRTH <u>12/01/54</u>	AGE <u>42</u>	H&Z EYES <u>BLK</u>	HEIGHT <u>5'8"</u>
DRIVER'S LIC. <u>A27030</u>		STATE <u>DE</u>	TYPE <u>D</u>	EXP. DATE <u>12-01</u>	SEAT BELT <input type="checkbox"/> W <input type="checkbox"/> NE <input type="checkbox"/> NW <input type="checkbox"/> NA <input type="checkbox"/> OPER <input type="checkbox"/> PASS
VEHICLE REG. <u>315199</u>		STATE <u>DE</u>	EXP. DATE <u>12-71</u>	ACCIDENT <input type="checkbox"/> YES <input type="checkbox"/> NO	SAFETY EQ. <input type="checkbox"/>
YEAR <u>94</u>	MAKE <u>FORD</u>	MODEL <u>FRC</u>	COLOR <u>WHITE</u>	OWNER'S NAME <u>SAME</u>	
OWNER'S ADDRESS					

 VIOLATION #1 DID UNLAWFULLY OPERATE A MOTOR VEHICLE AT:  
 STREET/ROUTE RED STREET DISTANCE 710 DIRECTION E/S TOWN FRANKFORD

 AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE  
 SPEED: 7 MPH. IN A25 MPH. ZONE, CHECKED BY MR

OTHER (DEFINE)

 1ST OFFENDER ELIGIBLE ☐ YES ☐ NO ☐ UNK. BAC ☐ ☐ UNK. ☐ PENDING ☐ IMPLIED CONSENT ☐ CHEMICAL TEST GIVEN ☐ YES ☐ NO ☐ BLOOD KIT NO. ☐ INTOX NO. ☐
IN VIOLATION OF: ☒ STATE STATUTE ☐ LOCAL/ORDINANCE
 SECTION ORD. 71 TITLE 21 DMV K EQUIP. ☐ L & R ☐ PED. ☐ O 182062 GRID 182062

 FINE \$ VICT. COMP. \$ COSTS \$ AMT. DUE \$ DATE DUE 1-1

 PLEA VERDICT DATE FINE VICT. COMP. \$ COSTS \$
CLERK RECEIPT DISPOSITIONCASE # JUDGE/COMMISSIONER

VIOLATION #2 DID UNLAWFULLY OPERATE A MOTOR VEHICLE AT:

 STREET/ROUTE RED STREET DISTANCE 710 DIRECTION E/S TOWN FRANKFORD

AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE

 VIOLATION #2 FAIL TO STOP ON COMMAND
IN VIOLATION OF: ☒ STATE STATUTE ☐ LOCAL/ORDINANCE
 SECTION ORD. 41036 TITLE 21 DMV NO EQUIP. ☐ L & R ☐ PED. ☐ O 182062 GRID 182062

 FINE \$ VICT. COMP. \$ COSTS \$ AMT. DUE \$ DATE DUE 1-1

 PLEA VERDICT DATE FINE VICT. COMP. \$ COSTS \$
CLERK RECEIPT DISPOSITIONCASE # JUDGE/COMMISSIONEROFFICER DET. CRAWFORD I.D. # 7051 TRP/AGENCY 21 FED/CONTRACT

SWORN AND SUBSCRIBED TO BEFORE ME, THIS

DAY OF 19

JUDGE OR COMMISSIONER

DIRECTIONS

READ CAREFULLY

The undersigned, in order to fulfill the requirements of this Complaint and Summons, must follow the instructions under the block checked. Failure to comply will result in immediate suspension of your Driver's license by your State's Motor Vehicle Department! Additionally a warrant for your arrest will be issued....

## VOLUNTARY ASSESSMENT

☐ My signature on this document only acknowledges receipt thereof, unless the Voluntary Assessment Block is checked, which indicates my desire to plead guilty to the stated charge(s). By pleading guilty, I understand I must mail in the Total Amount Due:

\$ to the voluntary assessment center by the date due, or my driving privileges will be suspended

OR

I may plead Not Guilty by notifying the voluntary assessment center in writing prior to the Court Due Date.

## MANDATORY APPEARANCE

☒ Must appear at the court indicated below on the Court Due Date. (See Below)

SIGNATURE

X

COURT DUE DATE 122896

Make check or money order payable to:

☐ State of Delaware

☒ Court 3
☐ VOLUNTARY ASSESSMENT CENTER

☒ COURT # 3
Address 115113City FRANKFORD DEZip 19403 Ph # (302) 21

NAME: LAST FIRST M.I.

LAST

FIRST

M.I.

FF

A 01671

CASE NO.

IN THE COURT OF THE JUSTICES OF THE PEACE OF THE  
STATE OF DELAWARE IN AND FOR SUSSEX COUNTY

PAGE: 1

COURT NO. 3

BOND/ORDER TO APPEAR

Exhibit B  
Page 2

TO: DENNIS L SMITH, Defendant

You are hereby COMMANDED to appear in Sussex County Court of Common Pleas  
P.O. Box 426 Sussex County Court House The Circle Georgetown, DE 19947 Telephone: (302)856-5333  
on Tuesday, December 31, 1996, at 9:00 AM for AFFAIGNMENT.

Failure to appear on the scheduled date and time may result in a charge of Contempt of Court and a Bench Warrant may be issued for your arrest.

CHARGE	CASE NO	ARREST NO	BAIL AMT	TYPE OF BAIL
21:4169:000B:M: SPEEDING	9612008442 001	FFA01671	100	UNSECURED BOND
21:4103:000B:M: DISREGARD SGNLS	9612008442 002	FFA01671	500	UNSECURED BOND

Defendant and Surety also understand the following: If either party fails to keep the Court advised of defendant's address, as required by Delaware statute, they waive any notice requirements pertaining to this release, to forfeiture of the security amount, to court appearances and/or other matters pertaining to the charge or proceedings of this release. The Court reserves the right, without prior notice to defendant or hearing, to summarily revoke the release based on this bond and to issue a warrant for your arrest, if the Court finds that you have not kept the peace or been of good behavior.

## VIOLATIONS OF CONDITIONS:

Failure to comply with the above provisions will subject the defendant to a warrant being issued for your arrest, revocation of your release, forfeiture of any bail bond posted and prosecution for contempt of Court. Defendant shall also be subject to separate criminal offense, which provides a maximum penalty of imprisonment not to exceed 5 years and/or fine of \$5,000.

I acknowledge that I have been advised of my rights to an attorney and that if I cannot afford an attorney, I am to contact the Public Defender's Office at 1 S. RACE STREET GEORGETOWN, DE 199470000 Telephone: (302) 856-5310 for an appointment to determine whether or not I qualify.

Failure to make an appointment with the Public Defender or make arrangements with a private lawyer to represent you before your next court appearance may mean you have waived your right to counsel. Such failure may also result in a change in your bail status.

This bond is valid for present and all subsequent proceedings in any court having jurisdiction by transfer, appeal, or remand, until full and final determination of the case(s).


The defendant and surety promise to perform the conditions set forth above, in which case this bond shall null and void, but otherwise this bond shall remain in full force and effect and payment herein promised shall be payable forthwith; and we confess judgement in the above sum and we submit to the jurisdiction of the Court and irrevocably appoint any clerk of any Court of record as our agent upon whom any paper affecting our liability may be served, and our liability may be enforced on motion without necessity of independent action, without further notice; and we release and quitclaim any errors in the judgement or entry thereof and waive all exemption laws of the State of Delaware. I hereby acknowledge that I understand the conditions and obligations of this bond and the penalties and forfeiture which may follow for non-compliance.



Justice of the Peace BRITTINGHAM

12/15/96

Date



Defendant: DENNIS L SMITH

ADDRESS: SHOCKLEY DR  
FRANKFORD DE 19945

Phone: 3027323011

## POLICE/COMPLAINANTS

This is your subpoena for trial  
86 - BAYNARD 9091

DDH

A16



## MEMORANDUM

TO: Stanley Friedman  
Director of Investigations

FROM: John Sniadowski *JS*  
Special Investigator

DATE: February 4, 1998

RE: Chief Guy Baynard  
AG# 97-01-0019

*Exhibit B*  
*Page 3*

*Note*  
*From the*  
*Attorney General's*  
*Office*

In January, 1997 Chief Prosecutor Ferris Wharton received a letter dated January 3, 1997 from Dennis Smith who he had spoke to on a previous occasion and who was making a complaint of false arrest against Chief Guy Baynard of the Frankford Police Department.

On February 25, 1997, this investigator along with Special Investigator Cosgrove responded to Shockley Drive in Frankford where we interviewed Dennis Smith who related the following: On December 14, 1996 he was arrested for speeding and failure to stop at the command of a police officer by Chief Guy Baynard of the Frankford Police Department. He was traveling North on Reed Street and was about to make a left hand turn and go West on Honolulu Road at the same time a Frankford police car made a right hand turn and went South on Reed Street. The police car turned into the the first driveway on the left and started to backup at which time he could no longer see the police car because his view was blocked by houses on Honolulu Road. He then made a left hand turn onto Shockley Drive. When he got approximately 70 feet from his driveway he noticed flashing lights on Honolulu Road. He then made a right hand turn into his driveway, get out of his car, went into the house, and looked out his front window when he saw the flashing lights turn onto Shockley Drive. When he saw the Frankford police car turn into his driveway and park behind his car he called 911 because of things Chief Baynard had done to him in the past. He was told to stay in the house until the State Police arrived. Chief Baynard stayed in his car until the State Police arrived at 11:36 p.m. Chief Baynard along with Officer James Fraley of Troop 3 then came to his door. Chief Baynard told him he was stopping him for speeding and asked him to sign the ticket. He told him that he was not going to sig it, at which time the Chief told him that if he didn't sign it he would be arrested and taken to Court. The Chief then told him that here was another charge for failure to stop for a police officer. While this conversation was taking place his wife was using a video camera to record what was happening. At 11:44 p.m. she told him that the battery went dead and when he started to go into the house Officer Fraley asked if he could come in and talk to him. Officer Fraley came in the house and spoke to him while his wife got another battery. They then went back outside and had another conversation with Chief Baynard. While the officers waited outside he and his wife went

Stanley Friedman  
February 4, 1998  
Page Two

Exhibit B  
Page 4

back into the house to put the camera away and when he came back outside he went with Officer Fraley to Court #3. At the Court he was arrested for speeding (37 m.p.h. in a 25 m.p.h. zone) and for failure to stop.

Smith claims that he was not speeding, that Chief Baynard could not have clocked him because of the directions each car was traveling, that he never saw any car, lights, or signals behind him, and that he was never told or motioned to pullover by Chief Baynard.

There were two other incidents where Smith also claimed that he was falsely arrested by Chief Baynard. One occurred on May 25, 1996 when he was arrested for criminal trespass 3rd degree and disorderly conduct. Smith claims that he was falsely arrested because the arrest was a result of a dispute he had with his sister-in-law, Teresa Burton, over the property line between his house and hers regarding a 5' right away in back of his fence, and that Chief Baynard allowed a warrant to be signed when he knew of the property line. The other occurred on November 15, 1996 when he was arrested by Chief Baynard for falsely reporting an incident regarding parking violations on his street on November 11, 1996.

*Not correct*

Mr. Smith also made a complaint that the Town's Police Commissioner, Jesse Truitt, has a black lawn jockey in his yard.

After listening to Smith we then watched the video that was taken of the incident on December 14, 1996.

This investigator then informed Smith that we would look into his allegations and get back with him.

For further details of Smith's complaints see correspondence from Dennis Smith dated January 3, 1997 and February 20, 1997.

These investigators then went to the intersection of Reed Street and Honolulu Road. If in fact what Smith told us was the truth as to how Chief Baynard clocked him for speeding it would have been very difficult if not impossible to do.

We then went to the Frankford Town Hall to try to locate Chief Baynard but met with negative results.

On February 27, 1997 this investigator received a letter dated February 20, 1997 from Dennis Smith. In his letter Smith asked this investigator to subpoena Baynard's personnel file from Laurel P.D., South Bethany P.D. and Fenwick Island P.D. He also requested that I get him a copy of the 911 tape for December 14, 1996. Smith actually wanted the tape of the radio

Stanley Friedman  
February 4, 1998  
Page Three

Exhibit B  
Page 5

transmissions that were made to Chief Baynard from Susscom. After reviewing the entire letter this investigator contacted Dennis Smith who informed me of the following: He wanted a copy of the personnel files of Baynard from the other departments because he has heard that Baynard got in trouble at those departments and feels that Baynard is not qualified to be a police officer. He wanted a copy of the tape of the radio transmissions that were made to Baynard from Susscom to see what they told Baynard to do. He has not been able to obtain information under the Freedom of Information Act from the Town of Frankford.

After further listening to Smith I informed him of the following: He would not be able to get the personnel files from the police departments or a copy of the Suscom tape because they are not a matter of public record. I would obtain the personnel files of Baynard and after reviewing them I would take the appropriate action. Our Office would not look into the complaint he had regarding the lawn jockey because that is not a criminal matter and that he would have to write a letter to the Town Mayor or to the Town Council expressing his concerns. I would contact someone from the town to find out why he couldn't get some of the information he requested. I was still looking into the incident that occurred on December 14th.

On May 19, 1997, this investigator contacted Kay Olmstead, President of Town Council for Frankford, (phone 732-9424). After informing her of why I was calling she informed me that she has told Smith the procedures to follow in order for him to obtain the documents he requested, but as of this date he has not followed her instructions. She also informed me that Guy Baynard has been laid off because of financial reasons and that the town has no immediate plans to hire another police officer.

This investigator contacted DAG Stephany Tsantes who informed me that the charges against Smith have been continued and that she was awaiting a decision from DAG Adkins regarding prosecution on the charges.

DAG Adkins was contacted at a later date and he advised this investigator that the charges from December 14, 1996 against Smith have been nolle pros.

This investigator then contacted Dennis Smith and informed him of the following: In order for him to obtain the documents that he requested under the Freedom of Information Act from the Town of Frankford he would have to follow the instructions that were given to him by Kay Olmstead. Since Guy Baynard is no longer a police officer and the charges against him have been dropped the matter of being stopped for speeding would no longer be investigated. I did however inform Smith that I would continue to obtain and review the personnel files of Baynard from the other police departments and if there was sufficient evidence I would attempt to have Baynard decertified so that he could not become a police officer in this state.



Stanley Friedman  
February 4, 1998  
Page Four

*History issues*  
↓

*Exhibit B*  
*Page 6*

This investigator then obtained and reviewed the personnel files on Chief Guy Baynard from Laurel Police Department, South Bethany Police Department and Fenwick Island Police Department and obtained the following information:

While with the Laurel Police Department from March 3, 1988 to September 2, 1988 when he was finally terminated, Baynard was suspended on July 27 for one day for citizen complaints that were made against him on July 16th and July 19th. He was again, suspended for two days on August 19, 1988 for having juveniles in the police station and was advised he would be terminated if another complaint was made. On August 29, 1988 another citizen complaint was made and Baynard was terminated. *Frankford*

While with the South Bethany Police Department from April 30, 1990 to October 15, 1990 letters dated August 10, August 27, and September 30 were written to the Governor and the Chief by three individual citizens regarding Baynard's rude and unprofessional manner. *7 months*

While with the Fenwick Island Police Department from January 1993 to June 29, 1994 when he resigned, Baynard received the following disciplinary action:

On June 29, 1993 he was found guilty of falsely reporting an incident and falsification of records by a trial board designated by the Criminal Justice Council. Baynard was given a 40 days suspension without pay and placed on 1 year probation. *JUNE 1994*

On March 11, 1994 he was found guilty of violation of departmental policy standards and was given a total of 4 days loss of pay.

On March 15, 1994 he was found guilty of violation of probation, insubordination, and misrepresentation and was suspended for 44 days and placed on probation from March 15, 1994 to March 15, 1995. *11 days* *one year*

On March 26, 1994 he was found guilty of being discourteous to a citizen and was given a 16 hour loss of pay.

On June 9, 1994 he was found guilty of insubordination and was given a loss of 21 days of pay and one years probation ending on March 15, 1996. *then May 25 1996* *ends first time*

After reviewing Baynard's personnel files and talking to the Chief's from the above three departments, it is the opinion of this investigator that Guy Baynard is not qualified to be a police officer in this State.

Stanley Friedman  
February 4, 1998  
Page Five

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*Exhibit B*  
*PAGE 7*

Conclusion:

Due to the fact that there is no evidence to support a false arrest complaint against Chief Baynard, all the charges against Dennis Smith have been nolle pros, and Guy Baynard is no longer a police officer, this case to be closed. I do recommend, however, that a letter be written by Director Stanley Friedman to the Police Chief's Council to have Guy Baynard decertified so that he cannot be a police officer in this State again.

JS/ccs

Exhibit B  
Page 8

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY

THE STATE OF DELAWARE

CASE NUMBER 9612008442

vs.

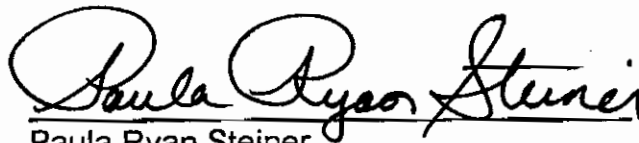
DENNIS L. SMITH

NOTICE OF NOLLE PROSEQUI

DOA - 12/14/96

A notice of Nolle Prosequi is hereby entered on the charge(s) of SPEEDING and FAILURE TO STOP ON COMMAND against the above-named defendant and the Prothonotary is requested to note the same on record.

REASON: 12



Paula Ryan Steiner  
Deputy Attorney General

DATED: April 21, 1997

CC: Dennis L. Smith

158 C57



Exhibit C  
page 1

Adult  
Complaint and Warrant  
In the JUSTICE OF THE PEACE COURT 03  
In and for the county of SUSSEX, State of Delaware  
State of Delaware vs DENNIS L SMITH

I, TERESA J BURTON do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the law of the State of Delaware by committing criminal acts in Sussex county on or about the date(s) and at or about the location(s) as indicated in Exhibit A hereto attached and made a part hereof.

WHEREFORE, your affiant prays that the above named accused may be forthwith approached and held to answer to this complaint consisting of 2 charges, and to be further dealt with as the law directs.

*Mrs. Teresa J. Burton 5/25/96*  
Affiant

SWORN TO and subscribed before me this 25 day of May A.D., 1996

*Jani Lippert*  
Judge/Master/Commissioner/Court Official

=====

(To be completed by Judge/Master/Commissioner/Court Official)

Jurisdiction resides in Family Court because: (Check and complete as required)

- A. ☐ The crime was committed by a child  
 B. ☐ A misdemeanor was committed against a child  
 C. ☐ A misdemeanor was committed by one family member against another family member  
 D. ☐ Other. Explain \_\_\_\_\_

=====

WARRANT

TO ANY CONSTABLE or other authorized person:

WHEREAS, the foregoing complaint consisting of 2 charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to before me, and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take DENNIS L SMITH accused, and bring same before JUSTICE OF THE PEACE COURT 03, FORTHWITH, to answer said charges.

GIVEN UNDER MY HAND, this 25 day of May A.D., 1996

*Jani Lippert*  
Judge/Master/Commissioner/Court Official

Warrant executed by \_\_\_\_\_ (Name/Agency) on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

WR:8696000025:WR

Police Complaint No 8696000222

RECEIVED  
MAY 25 PM 8 05  
JUSTICE OF THE PEACE COURT NO. 03  
96 MAY 25 PM 8 05

page  
(2)

5 A 61

Exhibit C  
PAGE 2

Exhibit A

Delaware vs DENNIS L SMITH

Court Case: 9605019575

Complaint Number: 8696000222 Arrest Number: Charge Sequence: 001  
Charge: CRIMINAL TRESPASS THIRD DEGREE  
Violation of: 11-DE-0821-0000-V-  
Location of Violation: 29 SHOCKLEY DRIVE FRANKFORD DELAWARE  
TO WIT: DENNIS L SMITH, on or about the 25th day of May, 1996, in the County  
of Sussex, State of Delaware, did knowingly and unlawfully remain  
upon the real property located at 29 shockley drive frankford  
delaware

Complaint Number: 8696000222 Arrest Number: Charge Sequence: 002  
Charge: DISORDERLY CONDUCT  
-NOISE OFFENSIVE UTTERANCE GESTURE DISPLAY ABUSIVE LANGUAGE  
In Violation of: 11-DE-1301-001B-M-  
Location of Violation: 29 SHOCKLEY DRIVE FRANKFORD DELAWARE  
TO WIT: DENNIS L SMITH, on or about the 25th day of May, 1996, in the County  
of Sussex, State of Delaware, did intentionally create a risk of  
public alarm to another person by making unreasonable noise and/or  
addressing abusive language coarse-utterance  
to TERESA J BURTON.

*Indecent  
By  
Mrs Burton  
Chief BA9A Ad*

page  
(3)

A62

Exhibit B  
Affidavit of Probable Cause

of Delaware vs DENNIS L SMITH  
known as:  
Date of birth: 01/21/1959 Sex: M  
Race: BRO Hair: BLK Height: 506  
Accused's home address: SHOCKLEY DR  
FRANKFORD, DE 19945

Police Complaint Number: 8696000222  
SBI Number: 00198619  
Race: B Accused's age: 37  
Weight: 156  
SOCIAL SECURITY NUMBER 221522439  
Driver's License DE - 0829030

Accused's Home Ph : 3027323011  
Accused's employer: SELF EMPLOYED

Name, Home and Work Addresses, and  
Telephone Numbers of Next of Kin  
or Parent/Guardian

Accused's Emp Pho: 0  
Accused's Work Hr:

Phone: 0  
Work :

Relation: Vict to accused: NEIGHBOR

Victim's Age : 37  
Victim's D.O.B. : 08/22/1958  
Date(s) and time(s) of offense: 05/25/1996 14:00 thru 05/25/1996 18:00  
Location where offense occurred: 29 SHOCKLEY DRIVE FRANKFORD DELAWARE

Your affiant TERESA J BURTON can truly state that: your affiant on the 25th of may 1996 observed mr. dennis smith on my property without permission, cutting down my grass and trees. your affiant has advised mr. dennis smith several times not to come and be on my property. your affiant on this date went out into my yard and asked mr. dennis smith about being on my property and cutting my trees and grass down. your affiant asked mr. dennis smith to leave but mr. dennis smith stated to me no bitch i am not on your property, do your math. your affiant then told mr. dennis smith that i was not going to argue with him, that i was going to call my lawyer and the police about mr. dennis smith being on my property. your affiant observed mr. dennis smith continue to cut down my trees and grass as i was walking away, while doing this mr. dennis smith called me a dumb bitch. your affiant felt threatened by mr. dennis smith action and that mr. dennis smith was very rude and hateful towards me. your affiant feared that mr. dennis smith would cause harm to me. your affiant then went and called my lawyer and the frankford police department. your affiant talked with chief baynard of the frankford police department and explained to him what had taken place. your affiant and chief baynard went out into my yard where your affiant showed chief baynard what mr. dennis smith had done to my property without my permission. your affiant was asked by chief baynard to go to court 3 in georgetown and request to sign a warrant for mr. dennis smith who damaged his property. your affiant during this complaint saw mr. dennis smith have his son use a video cam, and while chief baynard spoke with mr. dennis smith, mr. dennis smith stated to your affiant and chief baynard that he has tape recorded all of this on film and cassette tape.

*Mrs. Teresa J. Burton*  
(Affiant)  
5/25/96.

*[Signature]*  
(Judge-Master-Commissioner-Court Official)  
Sworn to and subscribed before me  
this 25 of May, 1996

Typed By Chief Baynard  
Sign by  
MRS. BURTON ALB3

PAGE  
3

Exhibit B

Exhibit C  
PAGE 4

Statement of Probable Cause (Continued)

State of Delaware vs DENNIS L SMITH

-----  
Affiant:  
TERESA J BURTON

Mrs. Teresa J. Burton 5/25/96  
Affiant

Sworn and subscribed before me this 25 day of May A.D., 1996

[Signature]  
Judge/Master/Commissioner/Court Official

PAGE  
(5)

A64

Exhibit C  
PAGE 5

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY

THE STATE OF DELAWARE

vs.

DENNIS L. SMITH

: CRIMINAL ACTION NOS.  
:  
:  
:  
:

: NOTICE OF NOLLE PROSEQUI  
:

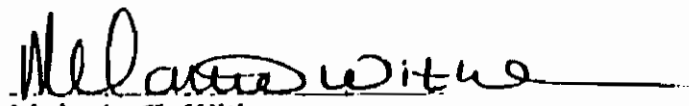
A Nolle Prosequi is hereby entered on the charge of

CRIMINAL TRESPASS IN THE THIRD DEGREE

DISORDERLY CONDUCT

against the above-named defendant and the Prothonotary is requested to note  
the same on record.

REASON: 13

  
Melanie C. Withers  
Deputy Attorney General

DATED: June 13, 1996

PH-70

9

A68



## FINAL PROCEDURE

per onto uncontained gaso-  
l not amount to use of "ex-  
y device" within meaning of  
and 844(j). United States v  
Tenn) 486 F Supp 137.

1 et seq.] shall be  
s to occupy the field  
1 et seq.] operate to  
natter, nor shall any  
nstrued to invalidate  
nsistent with any of  
.] or any provision

82 Stat. 91.)

nce Act of 1968  
action with civil

## Federal Code

## CHAPTER 13. CIVIL RIGHTS

Exhibit D

## Section

- 241. Conspiracy against rights
- 242. Deprivation of rights under color of law
- 243. Exclusion of jurors on account of race or color
- 244. Discrimination against person wearing uniform of armed forces
- 245. Federally protected activities
- 246. Deprivation of relief benefits
- 247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs

## HISTORY; ANCILLARY LAWS AND DIRECTIVES

## Amendments:

1968. Act Apr. 11, 1968, P. L. 90-284, Title I, § 102, 82 Stat. 75, amended the analysis of this chapter by adding item 245.

1976. Act Oct. 2, 1976, P. L. 94-453, § 4(b), 90 Stat. 1517, amended the analysis of this chapter by adding item 246.

1988. Act June 24, 1988, P. L. 100-346, § 3, 102 Stat. 645, amended the analysis of this chapter by adding item 247.

Act Nov. 18, 1988, P. L. 100-690, Title VII, Subtitle B, § 7018(b)(2), 102 Stat. 4396, amended the analysis of this chapter, in item 241, by deleting "of citizens" following "rights".

**Auto-Cite®:** Cases and annotations referred to herein can be further researched through the Auto-Cite® computer-assisted research service. Use Auto-Cite to check citations for form, parallel references, prior and later history, and annotation references.

## 18 § 241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.

(June 25, 1948, ch 645, § 1, 62 Stat. 696; April 11, 1968, P.L. 90-284, Title I, § 103(a), 82 Stat. 75; Nov. 18, 1988, P. L. 100-690, Title VII, Subtitle B, § 7018(a), (b)(1), 102 Stat. 4396.)

## HISTORY; ANCILLARY LAWS AND DIRECTIVES

## Prior law and revision:

This section is based on Act March 4, 1909, ch 321, § 19, 35 Stat. 1092 (former 18 U.S.C. § 51).



Certified Mail  
P 461 261 302

Helen Starcia  
P.O. Box 536  
Selbyville, De 19975

Feb. 26, 1997

Exhibit E

Mrs. Starcia

In regards to your letter sent by Mr. Dennis Smith, here is the information that you have requested from the Frankford Town Council.

1. The paved portion of "Shockley Drive/Right of way" is approximately (22) Twenty-two feet wide.
2. The right of way footage is (25) Twenty-five wide on both sides of center line of said right of way. The total "Footage" of said right of way is (50) Fifty feet.
3. The residents and/or visitors are "NOT" allowed to "PARK" on said paved portion of Shockley Drive/Right of Way.
- ✓ 4. The residents and/or visitors "ARE" allowed to "PARK" on remaining portion of Shockley Drive/Right of Way. This is the unpaved grass portion of Shockley Drive/Right of Way.
5. Shockley Drive/Right of Way has "SHOULDERS" it is the remaining portions on both sides of said paved portion of right of way, which are (14) Fourteen-feet wide each.
6. There are no markings, borders, or curbs to distinguish the very edge of Shockley Drive/Right of Way. In the survey diagram that has been presented to you with this letter of response, will show you the exact footage, boundaries, location, property owners before it was dedicated to the Town of Frankford and the year it was surveyed
7. Ordinance No. 14 is your answer and I have also included a copy of that ordinance with this letter of response and survey diagram.
8. The Town Attorney found it not applicable.
9. There are no signs which indicate "NO PARKING" on Shockley Drive/Right of Way. We feel as Town Council, that there is no reason or reasons for any "NO PARKING" signs to be put onto Shockley Drive/Right of Way at the present time.

I hope this letter, survey diagram, and Ordinance No. 14 from the Town Council of Frankford are of some help to your concerns about Shockley/Right of Way.

Signed,

Councilman: Kenneth Lynch

Council President: Kay Olmstead

Councilman: Jesse Truitt

Councilman: Albert Oliver

Councilman: Theodore Elser

Frankford Town Council  
P.O. Box 550  
Frankford, De. 19945

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*Notice*  
*From the Town*  
*of Frankford's*  
*Ordinance No. 14*

**ARTICLE XI--OFF-STREET PARKING**

*1992*

Section 1. When any building or structure is hereafter erected, off-street parking shall be provided as follows:

USE

PARKING REQUIREMENT

(a) Single-family detached dwellings, multi-family dwelling units and single-family attached dwellings

Two (2) spaces per family dwellings

(b) Hotel, motel

One (1) space per rental room or suite, plus one (1) space for each three (3) employees and two (2) spaces for any resident family.

(c) Eating place, tavern, restaurant

One (1) space for each fifty (50) square feet assigned for patron use, plus one (1) space for each two (2) employees on the largest shift.

(d) Food service drive-in facility

Fifteen (15) spaces minimum, plus one (1) space for each one hundred fifty (150) square feet of floor area.

(e) Office, office building, bank or other financial office

One (1) space per two hundred (200) square feet of floor area, exclusive of basement if not used for office or customer service purposes.

(f) Retail store; supermarket

One (1) space per two hundred (200) square feet of floor area used for sales or display of merchandise purposes, plus one (1) space for each two (2) employees on the largest shift.

(g) Beauty and barber shop;

One (1) space per two hundred

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1 Section 2. Off-street parking facilities shall be  
2 provided on the premises to which they are applicable.

3 Section 3. The following design standards are required  
4 for all parking areas:

5 (a) An off-street parking space is an all-weather,  
6 surfaced area not located in any street or alley and having an  
7 area of not less than two hundred (200) square feet, ten (10)  
8 feet in width and twenty (20) feet in length, exclusive of  
9 driveways and maneuvering areas, permanently reserved for the  
10 temporary storage of one (1) vehicle and connected with a street  
11 or alley by a paved drive-way which affords ingress and egress.

12 (b) Off-street parking facilities shall be drained to  
13 eliminate standing water, prevent damage to abutting property  
14 and/or public streets or alleys and surfaced with erosive-  
15 resistant material in accordance with the specifications of The  
16 Town of Frankford.

17 (c) Off-street parking areas shall be maintained in a  
18 clean and orderly condition at the expense of the owner or lessee  
19 of the premises and may not be used for the sale, repair or  
20 dismantling or servicing of any vehicles, equipment, materials or  
21 supplies.

22 (d) Parking spaces in lots of more than ten (10)  
23 spaces shall be marked by painted lines or curbs or other means

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1 (kk) **Street** means a public right of way which provides  
2 a means of public access to the abutting property.

3 (ll) **Street Line** means the line of dedication in the  
4 case of a dedicated street, avenue, lane or alley of the Town and  
5 a line twenty-five (25) feet on each side of the center line in  
6 the case of a private road. = (50 feet Right of Way)

7 (mm) **Structure** means anything constructed or erected,  
8 including any part thereof, the use of which requires permanent  
9 location on the ground, or attachment to something having a  
10 permanent location on the ground, including, but not limiting the  
11 generality of the foregoing, patios, signs, swimming pools,  
12 porches, decks, backstops for tennis courts, fences and light  
13 standards.

14 Section 2. Words used in the singular include the  
15 plural, words used in the plural include the singular.